

**Minutes  
Bar Harbor Planning Board  
May 21, 2008**

*Members present: Kay Stevens-Rosa, Chair; Mike Gurtler, Vice-Chair; Kevin Cochary, Secretary; Lynne Williams; Dave Bowden*

*Also present: Anne Krieg, Town Planner; Kris Hultgren, Staff Planner*

**I. CALL TO ORDER — 5:31 p.m.**

**II. EXCUSED ABSENCES**

No excused absences.

**III. ADOPTION OF THE AGENDA**

*Ms. Williams made a motion to adopt the agenda. Mr. Bowden seconded and the Board voted unanimously to approve the motion.*

**IV. REGULAR BUSINESS**

**A. Completeness Review – SP-08-01 – The Jackson Laboratory**

**Project Location:** 600 Main Street, Bar Harbor Tax Map 253, Lot 3

**Applicant:** The Jackson Laboratory

**Application:** Proposes to construct a 51,415 square foot facility

Sarah Nicholson, representing the applicant, gave an overview of the project. She noted the proposed facility's location, access to the new building and outlined the three phases of the project.

Mr. Bowden asked if Schooner Head road is a posted road for weight limit in the winter. Ms. Nicholson noted that the trucks already use Schooner Head road for deliveries. Ms. Krieg followed up to confirm with the applicant that this facility will handle all deliveries including fed ex in addition to mice.

Ms. Krieg asked Ms. Nicholson to review the phasing of the project. Ms. Nicholson went through the details of phase 1, phase 2 and phase 3. She noted the schedule of each phase is listed in the application.

Mr. Gurtler noted the thoroughness of the application and asked the applicant to consider three additional items for submittal: 1. an elevation scale with a car or truck to show size comparisons, a 3-D model and color floor plans. He also asked for a view of the proposed facility's location from Schooner Head Road (northeast view).

Mr. Cochary asked that photo simulations be used, if possible, in the future.

Ms. Williams inquired about the lighting within the campus and asked the applicant to consider replacing all lights now that this new project will comply with night sky provisions. Deb O'Donnell, representing the applicant, noted that the intention of the applicant is to move toward dark sky lighting across the campus in the near future.

Ms. Williams asked if any buildings will be removed as a result of this new building and the applicant noted that a handful of small trailers will be removed and this land will be converted to green space.

Ms. Dohmen, an abutter, asked the applicant to strongly consider changing over the night sky friendly fixtures as soon as possible. She also inquired about the viewshed impacts and the applicant noted that the new building will not be higher than existing buildings on campus.

John Kelly, Acadia Park Planner, noted that the Park continues to work with the Lab on lighting and visibility issues.

Mr. Gurtler asked about stormwater peer review and the Board agreed to direct staff to conduct peer review.

***Mr. Williams made a motion to grant the requested waivers. Mr. Cochary seconded and the Board voted unanimously to approve the motion.***

The Board agreed to schedule a site visit.

***Mr. Cochary made a motion to find the application complete and schedule a public hearing for June 18. Ms. Williams seconded and the Board voted unanimously to approve the motion.***

## **V. OTHER BUSINESS**

### **A. Land Use Ordinance Updates**

#### **▪ Dark Sky Lighting Ordinance**

Mary Ann Handel, a member of the Conservation Commission, and Peter Lord from the Island Astronomy Institute updated the Board on its progress with developing a dark sky lighting ordinance. She discussed the different parts of the Ordinance with the Board.

Ms. Handel reviewed the opening language, full cut off features of light shields and the best practices of developing night sky friendly lighting. She noted exemptions as well, a grandfathering clause, a sunset clause and definitions.

Mr. Gurtler thanked the conservation commission for their work but expressed concern about some language not being objective enough. He noted the subjectivity of a phrase like “glare discomfort”. Gurtler noted the difference between measurable standards and others that are not measurable. Ms. Williams agreed with Mr. Gurtler and noted that the language should be less subjective. Mr. Lord asked the Board to look at the professional guidelines. Mr. Bowden noted his experience with developing the noise ordinance and the measurable standards that were discussed and implemented.

John Kelly, Acadia Park Planner, suggested relying on a professional's best judgment when determining a subjective standard.

Ms. Dohmen asked about grandfathering and sunset and questioned why it would take 10 years to sunset the changes. Mr. Lord mentioned the expense in changing lighting.

Mr. Bowden encouraged a uniform ordinance with all the towns on the island. His biggest concern was the sunset clause. He thinks it will end up leading to exemptions for noncompliant businesses. He noted that making these changes are not inexpensive to citizens. He prefers to educate people on the benefits of night sky friendly lighting instead of forcing people to comply.

Mr. Lord noted the comprehensive plan states that a light ordinance be implemented with a sunset clause.

Ms. Handel addressed the education issue and noted that it is very important and offered a plan to develop a pamphlet to help educate people.

Mr. Cochary noted his discomfort with subjective language in ordinances.

Ms. Krieg offered to update the draft for the Board's next meeting on June 4.

#### ▪ Planned Unit Development

Mr. Gurtler withdrew his suggestion to increase affordable housing ceiling to 200% of median income. He noted that more works need to be done to alleviate the need for affordable housing in Bar Harbor and making the PUD work for the applicant is important and needs more attention. He suggested a committee to get together and make recommendations about how to address affordable housing.

Mr. Cochary noted the difficulty with making piecemeal changes to the ordinance and the affordability should be looked into further. He agreed that a subcommittee should be formed to look into it more.

Ms. Williams concurred with Mr. Gurtler and noted that affordable housing should be addressed separately from the PUD and ideally affordable housing should be spread out around town. She also recommended low impact development be part of the PUD.

Mr. Gurtler noted housing sizes and thinks houses should be able to be different sizes within a PUD development. The Board discussed this topic.

Ms Krieg noted that a menu of options for a developer is advantageous.

Ms. Dohmen agreed with Mr. Gurtler about allowing different size houses in a PUD development. She suggested requiring Design Review Board review of subdivisions if house sizes were allowed to be different sizes. She offered her support for the idea that PUDs not have a minimum lot area.

Mr. Opton-Himmel, representing Shep Harris, thanked the Planning Board for their work with the PUD. He noted that there is an opportunity to address the conventional subdivision with a PUD and craft a better future for development in Bar Harbor. He suggested that 10% of a PUD be the affordable number requirement.

Sam Coplon noted that there should be a carrot and a stick approach to PUD but as it stands right now the stick is too big. He offered serving on any affordability housing subcommittee if one is formed. He expressed concern that developers may walk away from a PUD and create conventional subdivisions if the financial part does not work with PUDs.

Brian Riley, from Maine Coast Heritage Trust, noted that he likes the PUD ordinance but that it does need some improvements. If it were to change a good idea would be to donate land or pay into a trust fund to create other affordable housing.

Gurtler notes potential changes. Among them considering a change in the base affordability requirement, removing size compatibility requirement, add low impact development requirements have no bottom of income range for affordable housing create a trust fund option for affordable housing and remove the formula base for base development density. He encouraged the Board to establish an affordability task force made up of a town councilor, planning board member, design professionals and residents.

Mr. Cochary mentioned needing more time before making specific decisions. Ms. Stevens-Rosa suggests meeting during the first week of June to try and implement some short term changes. Mr. Bowden said he is not ready to make changes to the PUD.

Ms. Stevens-Rosa noted that developers aren't doing PUDs now so small changes are needed or conventional subdivisions will continue to dominate development.

Huck Wheeler from the Island Housing Trust encouraged everyone to look at the great amount of affordable housing data available.

Ms. Krieg will redraft language for the next meeting on June 4.

- Shoreland Zoning Updates

Mr. Hultgren gave an overview of the state amendments to the shoreland zoning standards. He noted that the state will assume responsibility of managing timber harvesting within the shoreland district.

***Mr. Gurtler made a motion to recommend the changes to fall town meeting. Mr. Cochary seconded and the Board voted 4-1 to approve the motion with Mr. Bowden voting no.***

- Site Plan Review Procedure

Mr. Hultgren and Ms. Krieg reviewed the changes to the site plan process with the Board.

The Board discussed the change to require minor site plan changes to go to the Planning Board if more than 1 minor site plan is proposed in a three year period. Mr. Krieg noted that she will add language to the amendment to bring a minor site plan to the Board and get their ruling as to whether it needs a full review or can continue as a minor.

## B. West Woods Subdivision Endorsement

The Board endorsed the project.

## VI. PLANNING DIRECTOR'S REPORT

**VII. BOARD MEMBER COMMENTS AND SUGGESTIONS FOR THE NEXT AGENDA**

**VIII. ADJOURNMENT - 9:28 PM**

*Signed as approved:*

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Kevin Cochary, Secretary  
Planning Board, Town of Bar Harbor

Date